



PUBLIC NOTICE

Federal Communications Commission
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DA 07-2684
June 19, 2007

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR DECLARATORY RULING BY WIRELESS STRATEGIES, INC. REGARDING COORDINATION OF MICROWAVE LINKS UNDER PART 101 OF THE COMMISSION'S RULES

WTB Docket No. 07-121

Comment Date: July 19, 2007

Reply Date: August 20, 2007

On February 23, 2007, Wireless Strategies, Inc. (WSI)¹ filed a request for a declaratory ruling that Part 101 of the Commission's rules permits a licensee to simultaneously coordinate multiple links within a single point-to-point coordination area under certain conditions.² Specifically, WSI asserts that such coordination is permitted if all transmitters within the envelope collectively comply with the Commission's Part 101 antenna standards and frequency coordination procedures.³ WSI states that this process would allow Part 101 microwave licensees to use spectrum more efficiently.⁴

On March 26, 2007, the Fixed Wireless Communications Coalition (FWCC) filed a letter (FWCC letter) expressing concern that the coordination procedures set forth in the WSI Request could result in significant interference to existing microwave stations. FWCC asks that the Commission either deny the WSI Request or open a rulemaking proceeding to fully explore the proposal. On April 6, 2007, Verizon filed a petition to deny against three pending microwave applications submitted by WSI,⁵ largely challenging the WSI Request.⁶ Verizon's Petition alleges that the process set forth in the WSI Request could cause interference to Verizon's point-to-point microwave facilities.⁷

¹ WSI currently holds licenses for microwave paths in Baltimore, Maryland, in the private operational fixed microwave services under Part 101 of the Commission's rules.

² Request for Declaratory Ruling filed by Wireless Strategies Inc. (Feb. 23, 2007) (WSI Request).

³ See 47 C.F.R. §§ 101.115, 101.103; WSI Request at 5-7.

⁴ WSI Request at 1.

⁵ See FCC File Nos. 0002925444, 0002925448, and 0002925450 ("Part 101 applications").

⁶ Petition to Deny or, Alternatively, to Impose Conditions, filed by Verizon (April 6, 2007) (Verizon Petition).

⁷ Verizon Petition at 1, 3-4.

On April 23, 2007, and April 27, 2007, WSI submitted pleadings opposing the filings of FWCC and Verizon, respectively.⁸ WSI claims that the links that are the subject of its pending applications are not encompassed under the coordination process set forth in the WSI Request, and asserts that it will use this coordination process for those sites and others only after the Commission declares that the process is consistent with the Commission's rules. On May 4, 2007, Verizon filed its Reply, reiterating its concern about possible interference caused by the process set forth in the WSI Request.⁹ On June 7, 2007 and June 15, 2007, AirTegrity Wireless, Inc. and Mt. Vernon.Net Inc. filed comments in support of the WSI Request.¹⁰

We will consider the above-mentioned pleadings and *ex parte* communications as part of the record in this Docket, WT 07-121, and will place copies of those filings in the Docket.¹¹ Parties commenting on the WSI Request **must** file their comments under the Docket number and DA number associated with this Public Notice.

Interested parties may file comments on the Request on or before **[30 days]**. Parties interested in submitting reply comments must do so on or before **[60 days]**.

All comments should reference the subject Request including the Docket number and DA number of this Public Notice. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS); or (2) by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the subject line or body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. Filings should be made with the Office of the Secretary, Federal Communications Commission, 445 12th Street SW, TW-A325, Washington DC 20554. This address for FCC

⁸ Reply Comments to FWCC Comments, filed by Wireless Strategies Inc. (April 23, 2007); Opposition to Verizon's Petition to Deny, filed by Wireless Strategies Inc. (April 27, 2007) (WSI Reply Comments and WSI Opposition, respectively).

⁹ Reply to Wireless Strategies Opposition, filed by Verizon (May 4, 2007) (Verizon Reply).

¹⁰ Petition in Support of Wireless Strategies Request for a Declaratory Ruling, filed by AirTegrity Wireless Inc. (June 7, 2007); Petition in Support of Wireless Strategies Request for a Declaratory Ruling, filed by Mt. Vernon.Net Inc. (June 15, 2007). Though styled as "petitions," we are treating these two filings as comments on the WSI Request.

¹¹ We will consider WSI's Opposition and Reply Comments, and Verizon's Petition and Reply, within the context of the above-docketed proceeding, WT 07-121, only to the extent that the pleadings address the WSI Request. To the extent that these pleadings address the WSI Part 101 applications, we will consider them, as well as the applications themselves, separately.

locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only by the Commission's contractor, Natek, Inc., at 236 Massachusetts Avenue NE, Suite 110, Washington DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering 236 Massachusetts Avenue NE. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.¹²

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The full text of the Request, comments, and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW, Room CY-A257, Washington DC 20554. Copies also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW, Room CY-B402, Washington DC 20554. Customers may contact BCPI through its web site, <http://www.bcpiweb.com>, by e-mail at fcc@bcpiweb.com, by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this Request, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

Unless otherwise provided, requests for declaratory ruling of the Commission's Rules are subject to treatment by the Commission as permit-but-disclose proceedings for *ex parte* purposes under Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206. Accordingly, this Request will be treated as a permit-but-disclose proceeding under the *ex parte* rules.¹³ Therefore, subsequent to the release of this Public Notice, *ex parte* presentations that are made with respect to the issues involved in the subject Request will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact John Spencer, Broadband Division, Wireless Telecommunications Bureau at (202) 418-1896, or by e-mail at John.Spencer@FCC.gov.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

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¹² See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

¹³ See Sections 1.1200(a), 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206. Parties are reminded that WSI's pending Part 101 applications are restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208.